

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

AUG 28 2019

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERKUnited States of America  
v.  
Dwayne Parnell LEFTWICH

Case No. 7:19-mj-94

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Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 08/28/2019 in the county of Roanoke City in the  
Western District of Virginia, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C., Section 922 (g) (1)

Possession of firearm by a prohibited person

This criminal complaint is based on these facts:

See attached.

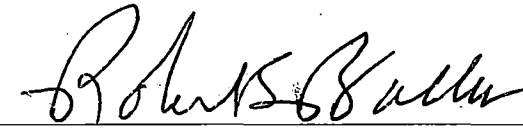
☒ Continued on the attached sheet.  
Complainant's signature

Nicholas Davis, ATF Special Agent

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Printed name and title

Sworn to before me and signed in my presence.

Date: August 28, 2019  
Judge's signatureCity and state: Roanoke, VARobert S. Ballou, United States Magistrate Judge  

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Printed name and title

**IN THE  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**DWAYNE PARNELL LEFTWICH**

Case No. 7:19-mj-94

**AFFIDAVIT IN SUPPORT OF COMPLAINT**

I, Nicholas Davis, being first duly sworn, hereby depose and state the following:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of a complaint and arrest warrant under Rules 3, 4, and 4.1 of the Federal Rules of Criminal Procedure.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice, and have been so employed since 12/29/2013. Prior to this, I graduated from Lehigh University. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. During this time I have received training in various aspects of law enforcement, in particular narcotics and firearms investigations. I have conducted and participated in numerous narcotics-related investigations including surveillance, search and seizure, effecting arrests, and implementing the use of Confidential Sources (CS). Since becoming an ATF Special Agent, I have provided sworn testimony before the Federal Grand Jury and in the United States District Court in reference to violations of the Federal Firearms and Narcotics laws.

3. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and know that it is a violation of:

*DGB*  
*8/28/2019*

Title 18, United States Code, Section 922(g) (1), to possess a firearm after having previously been convicted of a felony, and to do so knowingly.

4. The information contained in this affidavit is based on my personal knowledge of, and involvement in, this investigation as well as other facts and information provided to me by other law enforcement officers involved in this investigation. I am thoroughly familiar with the information contained in this affidavit through personal exposure to the records, and reports, and through discussions with other law enforcement personnel. The facts compromising the basis for this affidavit are true and correct to the best of my knowledge. I have not included all facts determined in the course of this investigation in this affidavit, but only those facts necessary to establish probable cause to believe that Dwayne Lemar LEFTWICH violated the aforementioned statute.

#### PROBABLE CAUSE

5. On or about August 28, 2019, members of the Roanoke Police Department, Virginia State Police, and ATF-Roanoke Field Office executed a warrant to search the residence of Dwayne Lemar LEFTWICH, located at 921 Grayson Avenue NW, Roanoke, VA.<sup>1</sup>

6. During the search, investigators seized a Bersa, model Firestorm, .380 caliber pistol, SN: A87229. The firearm was located on a shelf in the master bedroom, concealed underneath a folded pair of men's pants. Investigators located a firearm magazine containing three rounds of .380 caliber ammunition in the Chevy Tahoe truck

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<sup>1</sup> Investigators knew the residence to be LEFTWICH's based on surveillance in connection with a controlled purchase of narcotics. Between August 20 and 25, 2019, surveillance units observed an individual matching LEFTWICH's description exit and depart the residence. A subsequent search of police records confirmed that the individual involved in the controlled purchase was LEFTWICH.

*RSB*  
*8/28/2019*

LEFTWICH drove to a controlled narcotics transaction several days earlier. The magazine was marked "Bersa," consistent with the make of the recovered firearm.

7. In the master bedroom where the firearm was recovered, investigators also identified and/or seized approximately 2.8 grams of suspected heroin from a drawer in a dresser containing men's clothing.<sup>2</sup> A Parks and Rec photo identification in LEFTWICH's name and mail addressed to LEFTWICH was found on top of the dresser. LEFTWICH's photo identification was located in the kitchen.

8. The other occupant of the residence, Ameshia Harper, was present during execution of the search warrant. She was advised of her Miranda Rights and spoke voluntarily with investigators. Ms. Harper stated during her interview that neither the firearm nor the narcotics belonged to her and that she was unaware that the items were in her home. Harper acknowledged that LEFTWICH stayed at the residence with her and identified several items in the home as belonging to him. Ms. Harper denied ever owning or purchasing a firearm.

9. LEFTWICH was also present on scene and remanded to custody. Following advisement of his Miranda Rights, LEFTWICH stated that he wanted a lawyer. Investigators asked no further questions of him as a result. During the intake process at the Roanoke City Jail, LEFTWICH asked Task Force Officer (TFO) Bill Engel, without prompting, if he would be getting a bond. TFO Engel explained the federal criminal

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<sup>2</sup> The substance tested positively on site for the presence of heroin, with fentanyl compound or methamphetamine, using a Tru-Narc system. A Tru-Narc unit is designed for use by law enforcement to identify controlled substances, including in some instances drug purity, without the necessity of field-testing procedures that require investigators to come into closer personal contact with the drugs. Law enforcement agencies increasingly purchase and use this newer technology to guard against the dangers of handling substances such as fentanyl.

RSB  
8/28/2019

complaint process to LEFTWICH. During TFO Engel's explanation, and without questioning by TFO Engel, LEFTWICH voluntarily stated that law enforcement could not charge him with the gun as it was not found on him, adding that his "kid" brought the gun into the house. LEFTWICH stated that he had had the gun for about eight (8) months and thought about pawning it.

10. A query of the NCIC database revealed that LEFTWICH has been convicted previously of a crime punishable by imprisonment for a term exceeding one year, commonly called a felony.

11. Your affiant, an ATF Interstate Nexus Agent, examined identifying information for the aforementioned firearm and has determined that the item meets the definition of a firearm as defined in Title 18 USC Chapter 44, Section 921(a)(3). Your affiant further determined that the firearm was in and affecting commerce because it was not manufactured in the Commonwealth of Virginia and, therefore, was necessarily shipped or transported in interstate or foreign commerce.

12. A review of Commonwealth of Virginia Probation Supervision records shows that on 11/30/2017, LEFTWICH signed Conditions of Supervision which states, "I will not use, own, possess, transport or carry a firearm."

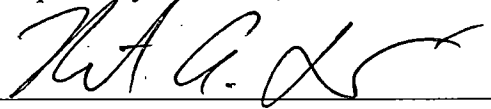
13. The events described in this affidavit occurred in the Western District of Virginia.

#### CONCLUSION

14. Based on the foregoing, your affiant asserts that there is probable cause to believe that LEFTWICH possessed a firearm after being convicted of a crime punishable by a term of imprisonment in excess of one year, and did so knowingly, in violation of Title

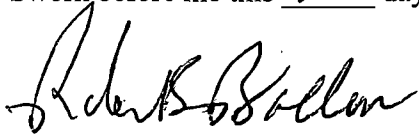
18, United States Code, Section 922(g)(1); and that the aforementioned violations took place in the City of Roanoke, in the Western District of Virginia.

Respectfully submitted,



Nicholas Davis  
ATF Special Agent

Sworn before me this 28<sup>th</sup> day of August, 2019.



Robert S. Ballou  
United States Magistrate Judge